

Form PTO-1449 (Modified) List of Patents and Publications for Applicant's Information Disclosure Statement		Atty Docket No. 11899.0175.DVUS01		Serial No. 09/464,099		
Applicant(s): Gerard F. Barry, et al.						
Filing Date: December 16, 1999				Group: 1644		
U.S. Patent Documents						
Exam. Init.		Patent Number	Issue Date	Inventor Name(s)	Class/Subclass	Filing Date
<i>MB</i>	A11	5,164,316	11/17/92	McPherson et al.	435/240.4	
	A12	5,196,525	3/23/93	McPherson et al.	536.24.1	
	A13	5,312,910	5/17/94	Kishore et al.	536/23.2	
	A14	5,322,938	6/21/94	McPherson et al.	536/24.1	
	A15	5,352,605	10/4/94	Fraley et al.	435/240.4	
	A16	5,804,425	9/8/03	Barry et al.	435/193	
	A17	6,204,436	3/20/01	Mannerloef et al.	800/300	
	A18	6,248,876	6/19/01	Barry et al.	536/24.3	
	A19	5,512,466	4/30/96	Klee et al.	800/283	
	A20	5,627,061	5/6/97	Barry et al.	800/288	
<i>MB</i>	A21	5,633,435	5/27/97	Barry et al.	800/205	

Foreign Patent Documents						
		Doc. Number	Date	Country	Class/Subclass	Translation
<i>MB</i>	B6	WO 92/04449	3/19/92	PCT		
<i>MB</i>	B7	EP 0 546 090	6/19/96	Europe		
Other Information						
<i>MB</i>	C71	Fitzgibbon and Braymer (1990) <i>Appl. Envir. Microbiol.</i> 56:3382-3388.				
	C72	Schultz, et al. (1984) <i>Arch. Microbiol.</i> , 137:121-123.				
	C73	"Efficient Transfer Of A Glyphosate Tolerance Gene Into Tomato Using A Binary <i>Agrobacterium Tumefaciens</i> Vector," L. Fillati, J. Kiser, R. Rose, and L. Comai, <i>Bio/Technology</i> 5:726-730 (1987).				
<i>MB</i>	C74	"Chloroplast Transport Of A Ribulose Biphosphate Carboxylase Small Subunit-5-Enolpyruvyl 3-Phosphoshikimate Synthase Chimeric Protein Requires Part Of The Mature Small Subunit In Addition To The Transit Peptide," L. Comai, N. Larson-Kelly, J. Kiser, C. Mau, A. Pokalsky, C. Shewmaker, K. McBride, A. Jones, and D. Stalker, <i>J. Biol. Chem.</i> 263:15104-15109 (1988).				

MB	C75	"The Organization And Nucleotide Sequence Of the <i>Bacillus Subtilis</i> <i>hisH</i> , <i>tyrA</i> and <i>AroE</i> Genes," D. Henner, L. Band, G. Glaggs, and E. Chen, <i>Gene</i> 49:147-152 (1986).
	C76	" <i>Pseudomonas</i> sp. Strain PG2082: Uptake Of Glyphosate And Cloning Of A Gene Which Confers Increased Resistance To Glyphosate," J. Fitzgibbon, Ph.D. (December 1998).
	C77	"Gene Transfer To Cereal: An Assessment," I. Potrykus, <i>Bio/Technology</i> 1:535-542 (1990).
	C78	"Genetic Aspects Of Aromatic Amino Acid Biosynthesis In <i>Lactococcus Lactis</i> ," H. Griffin, and M. Gasson, <i>Mol. Gen. Genet.</i> 246:119-127 (1995).
	C79	"Targeting A Herbicide-Resistant Enzyme From <i>Escherichia Coli</i> To Chloroplasts Of Higher Plants," G. della-Cioppa, S. Bauer, M. Taylor, D. Rochester, B. Klein, D. Shah, R. Fraley, and G. Kishore, <i>Bio/Technology</i> 5:579-584 (1987).
	C80	"Production Of Transgenic Soybean Plants Using <i>Agrobacterium</i> -Mediated DNA Transfer," M. Hinchee, D. Connor-Ward, C. Newell, R. McDonnell, S. Sato, C. Gasser, D. Fischhoff, D. Re, R. Fraley, and R. Horsch, <i>Bio/Technology</i> 6:915-926 (1988).
	C81	"Chloroplast Delivery Of A Bacterial EPSPS Synthase In Transgenic Plants And Tolerance To Glyphosate," N. Larson-Kelly, L. Comai, J. Kiser, C. Mau, A. Pokalsky, K. McBride, A. Jones, C. Shewmaker, and D. Stalker, <i>Biochem. Biotech.</i> 1:37-40 (1998).
	C82	"Glyphosate Tolerant Flax Plants From <i>Agrobacterium</i> Mediated Gene Transfer," M. Jordan and A. McHughen, <i>Plant Cell Reports</i> 7:281-284 (1988).
	C83	" <i>Agrobacterium</i> -Mediated Gene Transfer To Plants; Engineering Tolerance To Glyphosate," R. Horsch, R. Fraley, S. Rogers, H. Klee, J. Fry, M. Hinchee, and D. Shah, <i>Iowa State Journal of Research</i> 62:487-502 (1988).
	C84	"The Use Of Bacterial Genes Encoding Herbicide Tolerance In Constructing Transgenic Plants," E. Piruzian, V. Mett, N. Kobets, and F. Urmeeva, <i>Microbiological Sciences</i> 5:242-248 (1988).
	C85	"Cloning Of An <i>Arabidopsis Thaliana</i> Gene Encoding 5-Enolpyruvylshikimate-3-Phosphate Synthase: Sequence Analysis And Manipulation To Obtain Glyphosate-Tolerant Plants," H. Klee, Y. Muskopf, and C. Gasser, <i>Mol. Gen. Gene.</i> 210:437-442 (1987).
	C86	"Genetically-Engineered Herbicide Tolerance - Technical And Commercial Considerations," R. Fraley, G. Kishore, C. Gasser, S. Padgett, R. Horsch, S. Rogers, G. Della-Cioppa, and D. Shah, <i>British Crop Protection Conference - Weeds</i> 2:463-471 (1987).
	C87	"Engineering Herbicide Tolerance In Transgenic Plants," D. Shah, R. Horsch, H. Klee, G. Kishore, J. Winter, N. Tumer, C. Hironaka, P. Sanders, C. Gasser, S. Aykent, N. Siegel, S. Rogers, and R. Fraley, <i>Science</i> 233:478-481 (1986).
	C88	"An Altered <i>aroA</i> Gene Product Confers Resistance to the Herbicide Glyphosate," L. Comai, L. Sen, and D. Stalker, <i>Science</i> 221:370-371 (1983).
	C89	"A Single Amino Acid Substitution In The Enzyme 5-Enolpyruvylshikimate-3-Phosphate Synthase Confers Resistance To The Herbicide Glyphosate," D. Stalker, W. Hiatt, and L. Comai, <i>J. Biol. Chem.</i> 260:4724-4728 (1985).
	C90	"Engineering Herbicide Resistance In Plants," J. Botterman and J. Leemans, <i>Trends In Genetics</i> 4:219-222 (1988).
	C91	"Glyphosate Tolerant Variants Of <i>Petunia</i> EPSP Synthase," D. Eichholtz, C. Gasser, D. Re, S. Padgett, G. Kishore, D. Shah, and R. Fraley, American Society of Plant Physiologists, Sup. To Plant Physiology (1989).
	C92	"EPSP Synthase- From Biochemistry To Genetic Engineering Of Herbicide Tolerance," G. Kishore, S. Padgett, G. Della-Cioppa, D. Biest Re, L. Brundage, D. Shah, C. Gasser, P. Sanders, H. Klee, R. Horsch, N. Hoffmann, and R. Fraley, American Society of Biological Chemists, 78 th Annual Meeting, Abstract # 754 (1987).
	C93	"Genetic Engineering Of Plants For Herbicide Resistance Expression Of An RuBP Carboxylase Small Subunit-EPSP Synthase Chimeric Gene, Chloroplast Transport Of The Hybrid Protein, And Tolerance Phenotype In Transgenic Plants," L. Comai, N. Larson-Kelly, J. Kiser, A. Jones, D. Stalker, P. Moran, K. Kiehne, and A. Koning, <i>Vortr. Pflanzenzüchtg</i> 16:441-454 (1989).
MB	C94	"Biocontrol Of Plant Diseases Volume II" K. Mukerji and K. Garg, Editors, CRC Press Inc. (1988).

MB	C95	"The Development Of Herbicide Resistant Crops," B. Mazur and S. Falco, <i>Annu. Rev. Plant Physiol. Plant Mol. Biol.</i> 40:441-470 (1989).
	C96	"Producing Herbicide-Resistant Plants By Gene Transfer Technology". D. Stalker, in "Target Sites of Herbicide Action", P. Boger and G. Sandmann Editors, 1989.
	C97	"Genetic Engineering Of Tobacco For Resistance To The Herbicide Glyphosate," L. Comai, D. Stalker, W. Hiatt, G. Thompson, and D. Facciotti, (abstract, 1985).
	C98	"Performance Assessment Under Field Conditions Of A Rapid Immunological Test For Transgenic Soybeans," J. Fagan, B. Schoel, A. Haegert, J. Moore, and J. Beeby, <i>International Journal of Food Science and Technology</i> 36:357-367 (2001).
	C99	"Expression In Plants of a Mutant <i>aroA</i> Gene from <i>Salmonella Typhimurium</i> Confers Tolerance to Glyphosate," L. Comai, D. Facciotti, W.R. Hiatt, G. Thompson, R.E. Rose & D. M. Stalker, <i>Nature</i> 317:741-744 (1985).
	C100	Defendant's Second Supplemental Answers to Plaintiff's Third Set of Interrogatories to Mitchell Scruggs, as filed May 30, 2004, in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-P-D, U.S. District Court, Northern District of Mississippi, Western Division.
	C101	Defendants' Motion for Summary Judgment on Plaintiff's Patent Infringement Claim, Count One, Third Amended Complaint, dated August 8, 2003, as filed in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division.
	C102	Memorandum in Support of Defendants' Motion for Summary Judgment on Plaintiff's Patent Infringement Claim, Count One, Third Amended Complaint (with exhibits), dated August 8, 2003, as filed in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division.
	C103	Defendants' Response to Plaintiff's Notice of Dismissal of Count One (and Rebuttal to Monsanto's Response to Defendant's Motion for Summary Judgment on Count One (with exhibits), dated January 12, 2004, as filed in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division.
	C104	Defendants' Motion for Establishment of Certain Facts, Invalidation of Patent Claims and Expenses, as a Sanction, and Defendants' Opposition to Monsanto's Notice of Dismissal of Count One, Third Amended Complaint with Prejudice and Motion to Dismiss Defendants' Counterclaim Alleging Invalidity of the '435 Patent for Lack of Subject Matter Jurisdiction Filed December 8, 2003, dated December 31, 2003, as filed in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division.
	C105	Memorandum Brief in Support of Defendants' Motion for Establishment of Certain Facts, Invalidation of Patent Claims and Expenses, as a Sanction and in Opposition to Monsanto's Motion to Dismiss Counterclaim (with exhibits), dated December 31, 2003, as filed in <i>Monsanto Company v. Scruggs</i> , 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division.
	C106	Amended Answer, Affirmative Defenses and Counterclaims, as filed June 30, 2000, in <i>Monsanto Co. v. Roush</i> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division.
	C107	Amended Answer, Affirmative Defenses and Counterclaims, as filed December 21, 2000, in <i>Monsanto Co. v. Roush</i> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division.
	C108	Defendants' Supplemental Answers to Monsanto's Third Set of Interrogatories to Defendants, dated September 28, 2001, in <i>Monsanto Co. v. Roush</i> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division.
	C109	English language translation of excerpt, <i>Chemistry and Biology, Bioscience and Biotechnology</i> , (1991) 29:734.
MB	C110	English language translation of excerpt, Okada (ed.) "Gene Expression and Regulation in Higher Plants," in <i>Developments of Molecular Biology</i> , No. 13, Maruzen Co., Japan., 1990.

MB	C111	English language translation of excerpt, Nagata (1993), <i>Plant Protoplast and Cell Engineering</i> , p. 104, Kodansha Co., Ltd.
	C112	English language translation of excerpt, Uozumi (1993) <i>Plant Engineering</i> , p. 111, Maruzen Co., Ltd.
	C113	Minutes of the Public Oral Proceedings before the EPO Technical Board of Appeal, on April 6, 2005, for European Patent No. 0 546,090.
MB	C114	"Monsanto Holds Right to Patent Herbicide-resistant Seeds, European Patent Office Says," Associated Press, April 8, 2005.

DATE CONSIDERED: 7/17/06

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.